

REMARKS

The present communication is responsive to the Official Action mailed October 5, 2005.

As a result of the present Amendment, claim 1 has been amended to now recite "purchase limit time setting means for setting a purchase limit time that is based on the time it takes to download the content data." Claim 1 has also been amended to now recite "multiplexing means for repeatedly multiplexing the content data and the program information a plurality of times onto the main broadcast signals of a broadcast program thereby generating transport stream." Claim 1 has further been amended to improve its form. Support for the amendments to claim 1 may be found by reference to, for example, page 23, lines 20-23 and page 26, lines 12-22 of the specification. Applicants therefore respectfully submit that no new matter is added to the application as a result of the amendments to claim 1.

Claim 2 has been cancelled.

Claim 3 has been amended to correct its dependency in view of the cancellation of claim 2.

Claim 4 has been amended to improve its form. Claim 4 has also been amended to now recite "setting a purchase limit time substantially equal to the duration of the time it takes to download the content data." Claim 4 has further been amended to recite "repeatedly multiplexing the content data and the program information a plurality of times onto the main broadcast signals of a program, thereby generating a transform stream." Support for the foregoing amendments to claim 4 may be found by reference to, for example, page 23, lines 20-23 and page 26, lines 12-22 of the specification. Applicants therefore respectfully submit that no new matter is added to the application as a result of the amendments to claim 4.

Claim 5 has been amended to recite "segmenting the music content data into a plurality of data segments that each comprise the music content data; setting a purchase limit time that corresponds to the duration in time of one of the plurality of data segments for the music content data . . .; and repeatedly multiplexing the music content data and the programming information onto the broadcast signals of a program thereby generating a transport stream." The preamble of claim 5 has also been amended to improve its form. Support for the foregoing amendments to claim 5 may be found by reference to, for example, FIGS. 4, 5, and 6 and their accompanying descriptions, as well as page 51, lines 16-21 of the specification. Applicants therefore respectfully submit that the amendments to claim 5 do not constitute the addition of the matter.

In addition to being amended to improve its form, claim 6 has also been amended to now recite "wherein the purchase limit time comprises the time it takes to download the content data." Support for the foregoing amendments to claim 6 may be found by reference to, for example, page 26 lines 12-22 of the specification. Applicants therefore respectfully submit that no new matter has been added to the application via the amendments to claim 6.

Claim 7 has been amended to improve its form.

Claim 8 has been amended to improve its form. In addition, claim 8 has been amended to now recite "stopping the receiving process in accordance with the purchase limit time that defines a content data download time included in the program information. Support for the amendments to claim 8 may be found by reference to, for example, pages 23, lines 20-23 and page 26, lines 12-22 of the specification. Applicants respectfully submit that the amendments to claim 8 do not constitute the addition of the new matter to the application.

Claims 9-25 have been cancelled.

Claim 26-36 are presented for the first time. New claim 26 depends on claim 1 and recites "an encoder that formats a portion of the content data into encoded content data that is provided to the multiplexer and repeatedly multiplexed." Support for claim 26 may be found by reference to, for example, FIG. 2 and its accompanying description.

Claims 27-32 are directed to an "apparatus for preparing content data that includes video data and audio data for transmittal as a broadcast signal." Support for each of the features recited in these claims may be found by reference to, for example, FIGS. 2, 3, and 4 and their accompanying descriptions. Applicants therefore respectfully submit that these claims do not add new matter to the application.

Claims 33-36 are directed to an "apparatus for processing a transport stream having video data and audio data, the audio data comprising a plurality of encoded audio data packets within the transport stream." Support for these claims may be found by reference to, for example, FIG. 10 and its accompanying description. Applicants therefore respectfully submit that no new matter is added to the application by these claims.

In the Official Action, the Examiner rejected claims 1-9 on the 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,850,218 to *LaJoie, et al.* ("*LaJoie*"). In particular, in rejecting claim 1 the Examiner asserts "purchase limit time setting means for setting purchase limit time for the contents data (reads on set time in which user could buy a PPV program, i.e., "Buy until 8:15 PM; Fig. 28, el. 544; Col. 31, lines 1-32)." (Official Action at 2.) In rejecting claim 2, the Examiner further asserts that *LaJoie* discloses "that the purchase limit time setting means sets timing at which downloading of the contents data of a time immediately preceding

the final time among the plurality of times can be instructed as the purchase limit time (see Fig. 28, el. 556 and 562 in which the PPV content is downloaded immediately preceding the final time of the count down so the receiver able to display the PPV content to user; Col. 31, lines 18-26)." (*Id.* at page 3.) *LaJoie* is generally directed to "processing techniques" to provide services related to television programming. (*LaJoie*, col. 1, lns. 5-14.) As noted by the Examiner, *LaJoie* at FIG. 28 "illustrate a process for purchasing Impulse Per Pay View (IPPV)" events. (*Id.*, col. 30, lns. 64-65). As FIG. 28 shows, a user may purchase a pay per view event up to 15 minutes after the event starts. In discussing FIG. 28, *LaJoie* further states:

"As is also shown, a program information banner 562 may be displayed momentarily to indicate to the user that the program has been tuned and inform the user of the program's elapsed time. If the user has correctly entered the predefined purchase PIN and the event has not yet started or is a Near-Video-On-Demand (NVOD) or Pay-Per-Day (PPD) event, a countdown barker 556 will be displayed informing the user of the time remaining until the beginning of the next showing of the program."

(*Id.*, col. 31, lns. 18-26.) Other portions of *LaJoie* make reference to an updated countdown marker 586 and the provision of a Near-Video On Demand Service in which the same program or event is transmitted on separate channels, but delayed. (*Id.*, col. 31, lns. 50-59; col. 32, lns. 44-55.) *LaJoie*, however, makes no mention of setting a purchase limit time that is based on the time it takes to download a program.

In contrast, claim 1, as amended, recites "purchase limit time setting means for setting a purchase limit time that is based on the time it takes to download the content data." Claim 4, as amended, recites "setting a purchase limit time substantially equal to the duration of the time it takes to download the content data." Claim 6 recites "wherein the

purchase limit time comprises the time it takes to download the content data." Claim 8 recites "stopping the receiving process in accordance with the purchase limit time that defines a contents data download time."

Further in contrast, claim 27 recites "a generator for creating a control message, the control message including a purchase limit time that corresponds to the time it takes to download the audio data." Claim 33 recites "a descrambler for extracting program information from the transport stream, the program information including a purchase time limit that corresponds to the time to downloading one of the audio data packets."

Applicants respectfully submit that *LaJoie* does not disclose or suggest the feature recited in each of the above quoted language for claims 1, 4, 5, 6, 8, 27, and 33. Furthermore, none of the other references cited by the Examiner make up for this deficiency in *LaJoie*. For example, U.S. Patent No. 5,619,247 to Russo is directed to a system for pay-per-play per ranmon. According to *Russo*, however, movies are stored until the user wishes to view them. (*Russo*, col. 5, lns. 1-9; 48-61.) *Russo* does not mention setting the purchase limit time based on the time it takes to download the program. Applicants respectfully submit that the other references cited by the Examiner are likewise limited in their disclosure.

In view of the foregoing, applicants respectfully submit that all the claims currently pending in the application, namely claims 1-8 and 26-36, are allowable for at least for the foregoing reasons.

In the Official Action, the Examiner did not acknowledge receipt and consideration of applicants' Information Disclosure Statement filed March 19, 2001. Applicants respectfully request consideration of same by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 5, 2006

Respectfully submitted,

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